

**STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE
SEC Docket No. 98-01**

Application of Newington, L.L.C.

Application of Newington, L.L.C., An affiliate of Consolidated Edison Corporation, for a Certificate of Site and Facility to construct and operate a 525 megawatt electric production facility in the Town of Newington, Rockingham County, known as the Newington Power Facility, which facility will consist of two General Electric 7FA combustion turbines, two heat recovery steam generators and one steam turbine generator. A salt water mechanical draft, plume abated, cooling tower to cool the plant's condenser circulating water and associated facilities..

The proposed facility is to be located on a 24 acre parcel located in the industrial zone of the Town of Newington. The site is on the east side of Newington approximately 1000 feet from the Piscataqua River. In addition to the site proper, the proposed facility includes a pipeline and intake structure in the Piscataqua River, and also includes a transmission line from the site proper to the substation at the PSNH Newington Power Station and a gas pipe line from the PNGTS and Maritime & Northeast (Joint Facilities) main transmission pipeline.

ORDER

CERTIFICATE OF SITE AND FACILITY

Upon Consideration of the foregoing Decision, the findings of the Energy Facility Site Evaluation Committee, with conditions imposed by the Department of Environmental Services, Air Resources Division, Water Division, Waste Management Division, the Office of State Planning, and the Public Utilities Commission, all of which are made part of this order, it is hereby

ORDERED, That the application of Newington Energy, L.L.C. (an affiliate of the Consolidated Edison Development, Inc.) for a certificate of site and facility to construct and operate a 525 megawatt electric production facility in the Town of Newington, Rockingham County, known as the Newington Power Facility, which facility will consist of two General Electric 7FA combustion turbines, two heat recovery steam generators and one steam turbine generator, and a salt water mechanical draft, plume abated, cooling tower, is approved subject to compliance with the terms and conditions imposed by the Site Evaluation Committee as attachments to the report and decision issued this date.

The proposed facility is to be located on a 24 acre parcel located in the industrial zone of the Town of Newington. The site is on the east side of Newington approximately 1000 feet from the Piscataqua River. In addition to the site proper, the proposed facility includes a pipeline and intake structure in the Piscataqua River, and also includes an electric transmission line from the

site proper to the substation at the PSNH Newington Power Station and a gas pipe line from the PNGTS and Maritime & Northeast (Joint Facilities) main transmission pipeline to the site.

FURTHER ORDERED, that the proposed Energy Facility is of sufficient character and environmental impact to require a Certificate of Site and Facility; and it is hereby

FURTHER ORDERED, that the requisite good cause exists to permit issuance of this Certificate of Energy Facility to permit construction of the proposed facility and associated facilities; and it is hereby

FURTHER ORDERED, that all licenses and/or permits issued by the New Hampshire Department of Environmental Services, Air Resources Division, Water Division, and Waste Management Division, the Office of State Planning¹, and the Public Utilities Commission under RSA Chapter 371, are granted, with the conditions attached thereto and pursuant to RSA 162-H:16 VII and VIII. All permit conditions imposed by the state agencies and conditions imposed by the Site Evaluation Committee shall be complied with, and all state standards and requirements shall be met by the Newington Energy, L.L.C., as a condition of granting this Certificate of Site and Facility; and it is

FURTHER ORDERED, pursuant to RSA 162-H:4 III (a), the Committee delegates authority to the New Hampshire Department of Environmental Services Air Resources Division to specify the use of any appropriate technique, methodology, practice or procedure associated with the air emissions of the facility including authority to approve minor modifications to the facility's emission sources and control equipment, so long as such modifications do not substantially modify the design of the facility, as determined by the Air Resources Division.

FURTHER ORDERED, pursuant to RSA 162-H:4 III (a), the Committee delegates to the New Hampshire Department of Environmental Services authority to specify minor modifications in the natural gas pipeline interconnection alignment to the extent that such modifications are necessary as a result of information that was unavailable due to conditions which could not have been reasonably anticipated prior to the issuance of the certificate, including, but not limited to, information regarding various environmental resources, alignment requests from property owners, alignment modifications necessitated by compliance with either State or Federal law, and alignment modifications requested by the Town of Newington

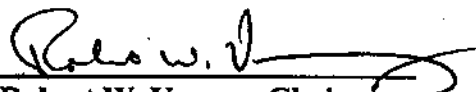
FURTHER ORDERED, pursuant to RSA 162-H:4 III, III (a), the Public Utilities Commission is authorized to monitor the construction safety aspects of the natural gas pipeline, and the Department of Environmental Services is authorized to monitor and enforce environmental standards as well as the authority to specify minor changes in the route alignment to the extent that such changes are authorized by the certificate for those portions of the electric transmission line or natural gas pipeline for which information was unavailable due to conditions which could not have been reasonably anticipated prior to the issuance of the certificate.

¹ Office of State Planning removes its earlier Coastal Zone Management Act objection and now concurs with the Applicant's certification that the proposal for the construction and operation of the Newington Energy Facility complies with New Hampshire's federally-approved coastal management program. Further, that if operated according to the terms of the New Hampshire Site Evaluation Committee Order, the facility will be conducted in a manner consistent with the program.

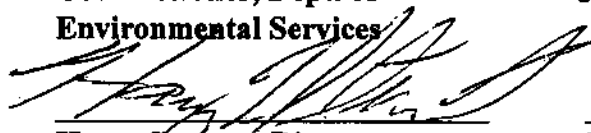
FURTHER ORDERED, Pursuant to RSA 162-H:4 III) (a), the Committee delegates to the New Hampshire Department of Environmental Services authority to specify minor modifications in the water intake and discharge structures alignment to the extent that such modifications are necessary as a result of information that was unavailable due to conditions which could not have been reasonably anticipated prior to the issuance of the certificate, including, but not limited to, information regarding various environmental resources, alignment requests from property owners, alignment modifications necessitated by compliance with either State or Federal law, and alignment modifications requested by the Town of Newington.

FURTHER ORDERED, The Site Evaluation Committee hereby adopts and incorporates the conditions which are attached as part of the Certificate of Site and Facility. Said conditions shall remain in full force and effect unless otherwise further ordered by the Committee.

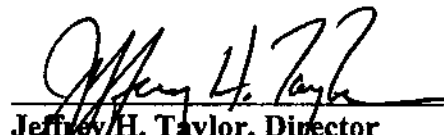
By Order of the Energy Facilities Site Evaluation Committee of New Hampshire this 25th day of May, 1999, at Concord, New Hampshire.

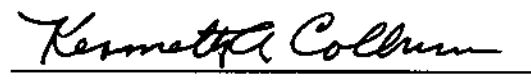

Robert W. Varney, Chairman
Commissioner, Dept. of
Environmental Services

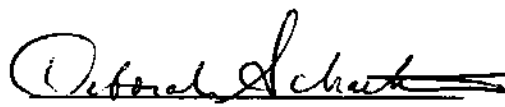

Douglas L. Patch, Chairman (cd)
Public Utilities Commission


Harry Stewart, Director
Water Division, Dept. of
Environmental Services


Wayne Vetter, Director
Fish and Game Dept.

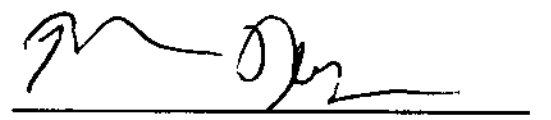

Jeffrey H. Taylor, Director
Office of State Planning

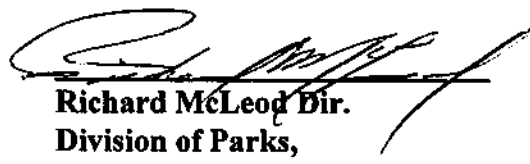

Kenneth A. Colburn, Director
Air Resources Division, Dept.
of Environmental Services

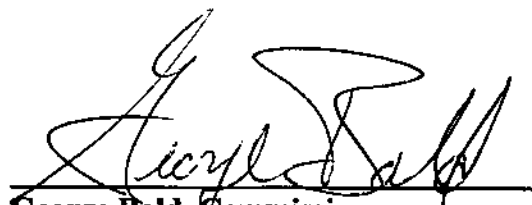

Deborah Schachter, Director
Governor's Office of Energy &
Community Services


Philip Bryce, Director
Division of Forest & Lands, Dept. of
Resources & Economic Development


Leon S. Kenison, Commissioner
Dept. of Transportation

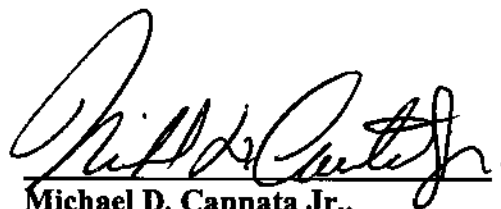

**Brook Dupee, Office of Community &
Public Health, Dept of Public Health &
Human Services**


Richard McLeod Dir.
Division of Parks,
Dept. of Resources & Economic
Development


George Bald, Commissioner
Dept. of Resources & Economic
Development


Susan S. Geiger, Commissioner
Public Utilities Commission


Nancy Brockway, Commissioner (ed)
Public Utilities Commission


Michael D. Cannata Jr.,
Chief Engineer
Public Utilities Commission